

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT	)	
INFRINGEMENT LITIGATION	)	C.A. No. 05-356-KAJ
	)	(consolidated)
	)	

**NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6)**  
**TO BARR PHARMACEUTICALS, INC. AND BARR LABORATORIES**

**PLEASE TAKE NOTICE** that on March 29, 2006 commencing at 9:00 a.m., at the offices of Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004, Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc. (collectively, "Plaintiffs" or "Janssen") will take the deposition upon oral examination of Defendants Barr Pharmaceuticals, Inc. and Barr Laboratories (collectively, "Barr") pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. This deposition upon oral examination will be conducted before an officer authorized to administer oaths and will be recorded by stenographic and videographic means.

Plaintiffs serve this Notice without waiver of its objections to the deficiencies in Barr's document production and other discovery responses concerning the subject matter of the instant Notice, and reserve the right to continue this deposition as necessary in light of any subsequent document production by Barr.

Plaintiffs will take this deposition upon oral examination through one or more officers, directors, managing agents or other persons designated by Barr pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure as the person(s) knowledgeable to testify on Barr's behalf concerning the topics identified in Schedule A. Barr is requested to provide counsel for Plaintiffs with the identity of the individual(s) who will testify regarding each

topic at least one week in advance of the deposition. The deposition will continue from day to day until completed with such adjournments as to time and place as may be necessary. You are invited to attend and examine the witness(es).

ASHBY & GEDDES

*/s/ Lauren E. Maguire*

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Dated: February 21, 2006

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## **SCHEDULE A**

### **Definitions**

1. As used herein, “Barr” shall mean Defendants Barr Pharmaceuticals, Inc. and Barr Laboratories and all of Barr’s corporate parents, corporate predecessors and past or present subsidiaries, affiliates, divisions, departments, officers, directors, principals, agents and employees.
2. As used herein, “Barr’s ANDA” shall mean Barr’s Abbreviated New Drug Application Number 77-605.
3. As used herein, “the Generic Product” shall mean the proposed generic galantamine product that is the subject of Barr’s ANDA.
4. As used herein, “the ‘318 patent” shall mean United States Patent No. 4,663,318.
5. As used herein, “document” shall have the full meaning ascribed to it by the Federal Rules of Civil Procedure and shall include any means for retaining information.
6. As used herein, “FDA” shall mean the United States Food and Drug Administration.
7. “Person” and “persons” mean any natural person and any business, legal, corporate, or governmental entity, association, or organization.
8. “Alzheimer’s Disease” means any diagnosis, illness, or ailment described as being of the Alzheimer’s type, including without limitation Senile Dementia of the Alzheimer’s Type, and/or Alzheimer’s Dementia.
9. “Galantamine” includes without limitation galantamine, galanthamine, and any salt of galatamine, such as galantamine hydrobromide.

### **Topics of Examination**

1. Any consideration or evaluation to license the '318 patent conducted by or on behalf of Barr, including but not limited to the names and responsibilities of all persons who were involved in any evaluation, consideration or discussion by or on behalf of Barr to license the '318 patent or to develop or market a product whose use would be covered by the '318 patent.
2. All negotiations or communication with Synaptech or Dr. Bonnie Davis regarding the '318 patent.
3. All negotiations or communication with Synaptech or Dr. Bonnie Davis regarding the use of galantamine or a drug product containing galantamine as a possible treatment for Alzheimer's Disease.
4. Any meetings, discussions, or communications concerning the subject matter identified in Topics 1 through 3.
5. Any documents related to Topics 1 through 3 that were either not produced in this case in this case, and the circumstances under which the documents were withheld for production or destroyed, the identification of all persons with knowledge of the documents and/or their contents, and, in the case of documents destroyed, the dates of the destruction.
6. The identity and location of documents and things concerning the foregoing topics.
7. Persons knowledgeable about the subject matter of the foregoing topics.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of February, 2006, the attached **NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6) TO BARR PHARMACEUTICALS, INC. AND BARR LABORATORIES** was served upon the below-named counsel of record at the address and in the manner indicated:

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